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To:	Karyn Temple-Claggett, Acting Register of Copyrights
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Elizabeth Pugh, General Counsel
From:	Suzanne M. Barnett, Chief Judge
Date:	January 10, 2017
Re:	SDARS-I RESTRICTED Ruling on Amendment of Terms of Determination
	

Colleagues,

Attached electronically is the Ruling by the Copyright Royalty Judges (Judges) undertaken by referral from the U.S. District Court for the District of Columbia. See SoundExchange, Inc. v. Sirius XM Radio Inc., 65 F.Supp.3d 150 (D.D.C. 2014). The District Court judge concluded that the issues the parties raised required interpretation and application of the Judges' regulations and referred the questions to the Judges under the principle of primary jurisdiction.

The Judges sought advice from the Register and her General Counsel regarding their continuing jurisdiction to address questions relating to regulations applying to the 2007-12 rate period. The Register opined that the Judges have continuing jurisdiction under 17 U.S.C. § 803(c)(4). Section 803(c)(4) requires that the Judges publish any decisions made thereunder in the Federal Register. Following a review of the record in SDARS-I and deliberation, the Judges reached the conclusions included in the attached Ruling. Following the protocol for publication of a determination, the Judges hereby deliver their Ruling to the Register to afford her the opportunity to review for legal error. The Judges also forward a copy to the General Counsel to allow her to prepare a recommendation to the Librarian.

Please note that this Ruling is marked as RESTRICTED in accordance with a Protective Order entered in this proceeding on December ___, 2006. We have forwarded the RESTRICTED Ruling to counsel for identification of information considered confidential during the proceeding and confirmation that the identified information remains sensitive, thus requiring redaction before the Ruling is made public.

As always, this Ruling resulted from collaboration among the Judges and their legal staff. Judge Strickler pulled the laboring oar, however, by producing the first draft, always a significant undertaking.

If we can answer any questions regarding this Ruling or the current procedure, please let us know.

/s/

S.M.B.

Attach.

cc: Maureen Harrington (w/)
Sarang Damle (w/)